

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD BARRIOS-GARCIA,

Defendant.

CRIM. NO. 97-074(DRD)

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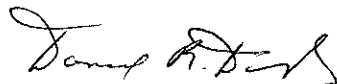
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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

The United States Circuit Court of Appeals has determined that defendant, Ronald Barrios-García, is to be re-sentenced as to supervised release pursuant to a Judgment dated August 23, 2000. (The sentence as to five years of supervised release not properly grounded.) The U.S. Marshal is to make arrangements to have the defendant transferred to MDC-Guaynabo, Puerto Rico, for re-sentencing purposes as to supervised release only.

IT IS SO ORDERED.

At San Juan, P.R., this 16th day of December 2005.



DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

¹ The doctrine of United States v. Booker, 125 S. Ct. 11 (2005) is not retroactive in our circuit to sentences already issued and/or adjudicated. Cirilo Muñoz v. United States, 404 F. 3d 527, 533 (1st Cir. 2005) ("Further every other circuit that has considered this issue has agreed that Booker does not apply retroactively." (Citations omitted.)) Moreover, a sentencing under United States v. Booker does not have to conclude in a lower sentence (it may result in a higher sentence). United States v. Antonakopoulos, 399 F.3d 68, 77, fn. 8 (1st Cir. 2005). Defendant's claim that the 2000 sentence is subject to Booker analysis retroactively is thus **DENIED**.